

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ERGON - WEST VIRGINIA, INC.

PLAINTIFF

vs.

CIVIL ACTION NO.: 3:06cv714WA

DYNEGY MARKETING & TRADE

DEFENDANT

AGREED ORDER

This day this cause came on for consideration on motion *ore tenus* of Dynegy Marketing & Trade to stay all discovery in the above matter, including any and all discovery filed prior to the removal of this cause to the United States District Court for the Southern District of Mississippi, in accordance with Fed. R. Civ. Proc. 26(d) and Unif. Local R. 26.1(A)(4), until such time that the parties have occasion to conduct the attorney conference mandated by Fed. R. Civ. P. 26(f) and Unif. Local R. 16.1(B)(1), and the Court having considered the same, finds that the motion is well taken and should be granted.

IT IS THEREFORE ORDERED that all discovery, to include any and all written discovery propounded to any of the parties prior to the removal of this action to the United States District Court for the Southern District of Mississippi, is hereby stayed, and that no responses to any previously propounded discovery shall be filed until the parties have occasion to conduct the conference mandated by Fed R. Civ. P. 26(f) and Unif. Local R. 16.1(B)(1).

IT IS SO ORDERED this the 11th day of January, 2007.

S/Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE

AGREED TO BY:

/s/ C. Stephen Stack, Jr.

C. Stephen Stack, Jr.
Attorney for the Plaintiff,
Ergon-West Virginia, Inc.

/s/ J. Seth McCoy

J. Seth McCoy.
Attorney for the Defendant,
Dynegy Marketing & Trade